

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**DECEMBER 15, 2015**

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**PUBLIC HEARING:** Bond Ordinance Authorizing Financing for the Cost of Extraordinary Expenses Resulting From Superstorm Sandy, Stating the Estimated Total Cost Thereof Is \$10,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$10,000,000 Bonds of Said City to Finance Said Appropriation.

1. Bond Ordinance Authorizing Financing for the Cost of Extraordinary Expenses Resulting From Superstorm Sandy, Stating the Estimated Total Cost Thereof Is \$10,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$10,000,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: This bond would cover the City for costs associated with Sandy, (if any) that are not reimbursable by State/Federal Government grants. To finance the cost of potential extraordinary expenses resulting from Superstorm Sandy, the City submitted three Home Rule Requests in order to allow the City to issue serial bonds to finance extraordinary expenses resulting from the storm, which was passed by the Assembly and Senate, and subsequently signed by the Governor. These potential expenses included those incurred for flood relief projects associated with Superstorm Sandy. In compliance with Local Finance Law, this bond provides the City with additional funding, if needed. At this time we have no projects and we are authorizing this out of an abundance of caution, borrowing no money at this time.

**PUBLIC HEARING:** Bond Ordinance Authorizing Financing for the Cost of Payment of the Two Judgments Against the City in the Matter of the Application of the City of Long Beach v. Sun NLF Limited Partnership et al., Stating the Estimated Total Cost Thereof is \$20,500,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$20,500,000 Bonds of Said City to Finance Said Appropriation.

2. Bond Ordinance Authorizing Financing for the Cost of Payment of the Two Judgments Against the City in the Matter of the Application of the City of Long Beach v. Sun NLF Limited Partnership et al., Stating the Estimated Total Cost Thereof is \$20,500,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$20,500,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: To make payment on two judgments against the City in the matter of The Application of the City of Long Beach v. Sun NLF Limited Partnership et al., pursuant to the two decisions of New York Supreme Court Justice Thomas A. Adams, which were upheld on appeal.

3. Resolution Authorizing the City Manager to Approve the Change of Control of the Franchisee under the Cable Television Franchise Agreement with Cablevision Systems Long Island.

Legislative Memo: Pursuant to the U.S. Communications Act of 1934, as amended by the Telecommunications Act of 1996, we grant this approval of the change of control of cable services within our City, to acknowledge that Cablevision has merged with Altice N.V.

4. Resolution Authorizing Budget Amendment to the General Fund for the 2015-2016 Fiscal Year.

Legislative Memo: This amendment appropriates grant funding associated with our Comprehensive Plan and Local Waterfront Revitalization efforts, a New York State Marketing grant award, and sponsorships and user fees.

5. Resolution Authorizing the City Manager to Purchase Beach Plants on an “As Needed” Basis from the Lowest Responsible Bidders.

Legislative Memo: In our continued effort to make the dunes stronger and more resilient, as well as more robust and healthy, we are planting more beach grass as well as other plant life. This resolution locks in the price for a period of two years. Funds are provided in the Capital Improvement Plan.

6. Resolution Authorizing the City Manager to Purchase Various Chemicals for the Water Purification Plant from the Lowest Responsible Bidders.

Legislative Memo: This item is awarded on an annual basis giving the City the ability to purchase these chemicals, on an as needed basis, at the lowest prices available.

7. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 891B West Beech Street (street floor), Long Beach, New York.

Re: Retail Store/Gift Shop

8. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 158A East Park Avenue (street floor), Long Beach, New York.  
Re: Kitchen and Bath Design Showroom
9. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 78 East Park Avenue (street floor), Long Beach, New York.

December 15, 2015

Item No. 1  
Ordinance No.

The following Ordinance was moved by  
and seconded by :

**BOND ORDINANCE AUTHORIZING FINANCING FOR THE COST OF  
EXTRAORDINARY EXPENSES RESULTING FROM SUPERSTORM  
SANDY, STATING THE ESTIMATED TOTAL COST THEREOF IS  
\$10,000,000 APPROPRIATING SAID AMOUNT THEREFOR, AND  
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,000,000  
BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.**

BE IT ENACTED, by the City Council of the City of Long Beach, Nassau County, New York, as follows:

Section 1. The City of Long Beach, Nassau County, New York (herein called the "City"), is hereby authorized to finance the cost of extraordinary expenses resulting from Superstorm Sandy, including the expense incurred for flood relief projects involving the public thoroughfares, public places and projects of the City during the last two months of 2012 and in 2013 which are not eligible to be reimbursed from state or federal government grants all as determined by the Council of the City, pursuant to Chapter 3 of the 2014 Laws of New York, at the estimated maximum cost of \$10,000,000. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$10,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$10,000,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$10,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the objects or purposes for which said \$10,000,000 bonds herein authorized are to be issued, within the limitations of Chapter 3 of the 2014 Laws of New York, is ten (10) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and

redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, November be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or such obligations are authorized in violation of the provisions of the constitution.

Section 8. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

The following Ordinance was moved by  
and seconded by :

BOND ORDINANCE AUTHORIZING FINANCING FOR THE COST OF PAYMENTS OF THE TWO JUDGMENTS AGAINST THE CITY IN THE MATTER OF THE APPLICATION OF THE CITY OF LONG BEACH V. SUN NLF LIMITED PARTNERSHIP ET AL., STATING THE ESTIMATED TOTAL COST THEREOF IS \$20,500,000 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$20,500,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

BE IT ENACTED, by the City Council of the City of Long Beach, Nassau County, New York, as follows:

Section 1. The City of Long Beach, Nassau County, New York (herein called the "City"), is hereby authorized to finance the cost of payment of two judgments against the City in the matter of The Application of the City of Long Beach v. Sun NLF Limited Partnership et al., pursuant to the two determinations of New York Supreme Court Justice Thomas A. Adams dated October 3, 2012, at the estimated maximum cost of \$20,500,000. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$20,500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$20,500,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$20,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the objects or purposes for which said \$20,500,000 bonds herein authorized are to be issued, within the limitations of Section 11 a. 91 of the Law, is fifteen (15) years, the payment of each judgment being determined to be an object or purpose for which the period of probable usefulness is determined to be at least fifteen (15) years pursuant to subdivisions 33. (c) of Section 11 of the Law.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision

shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, November be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or such obligations are authorized in violation of the provisions of the constitution.

Section 8. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

December 15, 2015

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Approve the  
Change of Control of the Franchisee under the Cable  
Television Franchise Agreement with Cablevision Systems  
Long Island.

WHEREAS, pursuant to Resolution No. 243/77, duly adopted on December 6, 1977, the City Council of the City of Long Beach authorized the City Manager to enter into a franchise agreement with Cablevision Systems Long Island Corporation for the provision of cable television service in the City of Long Beach; and

WHEREAS, Cablevision Systems Long Island Corporation ("Franchisee"), currently owns, operates and maintains a cable television system in the City of Long Beach, which was most recently renewed and authorized by the City Council pursuant to Resolution No. 12/09, duly adopted on February 3, 2009; and

WHEREAS, pursuant to an Agreement and Plan of Merger, Neptune Merger Sub Corp., a Delaware corporation and a subsidiary of Altice N.V. ("Acquiror"), will merge with Cablevision Systems Corporation (which owns 100% of the ownership interests in Franchisee), and as a result, the indirect control of Franchisee will change; and

WHEREAS, Franchisee and Acquiror have requested the consent of the City to the Change of Control in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the City (the "Application"); and

WHEREAS, the City has reviewed the Application, followed all required procedures in order to consider and act upon the Application, considered the comments of all parties, and concluded that Acquiror has the legal, financial and technical qualifications of Acquiror to indirectly control Franchisee;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Manager is hereby authorized to accept the Application, and does hereby approve the Change of Control of the Franchisee under the aforementioned Franchise Agreement, for the providing of cable service within the City of Long Beach, in accordance with the terms of the Franchise and all applicable laws.



December 15, 2015

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Budget Amendment to the  
General Fund for the 2015-2016 Fiscal Year.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,  
that the following amendment to the General Fund Budget for the 2015-2016 Fiscal Year be and  
is hereby authorized:

GENERAL FUND  
2015-2016 Fiscal Year

Increase Estimated Revenues:	A10510		\$537,700.00
A0030.43902	State Aid, Mapping/Planning Studies	\$191,500.00	
A0030.43715	State Aid, Tourism Promotion	\$300,000.00	
A0027.42705	Donations	\$41,880.00	
A0027.42770	Miscellaneous Revenue	\$4,320.00	
Increase Appropriations:	A20960		\$537,700.00
A6420.54440	Economic Development, Contracted Services	\$517,700.00	
A1671.51102	Central Admin, Temporary Salaries	\$18,575.00	
A9030.58030	Social Security	\$1,425.00	

December 15, 2015

Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Beach Plants on an “As Needed” Basis from the Lowest  
Responsible Bidders.

WHEREAS, after due advertisement therefore, two bids were received in the Office of the City Purchasing Agent on Thursday, December 10, 2015 at 11:30 for the purchase and delivery of American Beach Grass Bare Root Plugs and Rosa Rugosa #2 plants, on an “as needed” basis for a period of two years, commencing January 1, 2016; and

WHEREAS, Bissett Nursery, 323 Long Island Avenue, Holtsville, New York 11727 was the lowest responsible bidder for the purchase of American Beach Grass Bare Root Plugs at a cost of \$.199 per unit and The Garden Dept., P.O. Box 711, Coram, New York 11727 was the lowest responsible bidder for the purchase of Rosa Rugosa #2 plants at a cost of \$7.24 per unit;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to purchase American Beach Grass Bare Root Plugs from Bissett Nursery, 323 Long Island Avenue, Holtsville, New York 11727, at a cost of \$.199 per unit and Rosa Rugosa #2 plants from The Garden Dept., P.O. Box 711, Coram, New York 11727 at a cost of \$7.24 per unit, on an “as needed” basis for a period of two years, commencing January 1, 2016. Funds are available in H1015.52289 (Rec.-Dune Planting).

December 15, 2015

Item No. 6  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Various Chemicals for the Water Purification Plant from  
the Lowest Responsible Bidders.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing Agent on Thursday, December 15, 2015 at 11:00 a.m. for the purchase of various chemicals for the Water Purification Plant and the following named firms were the lowest responsible bidders in each instance;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to purchase from the following lowest responsible bidders in accordance with specifications on file in the Office of the City Purchasing Agent, on an "as needed" basis as follows, for a period of one (1) year:

- Item 1. Aluminum Sulfate Liquid – Gulbrandsen Technologies, 2 Main Street, Clinton, NJ 08809, at a bid price of \$.828 per gallon. Funds are available in Account No. F8330.54416 (Water Purification - Chemicals).
- Item 2. Hydrated Lime Bulk – Graymont, 194 Match Factory Place, Bellefonte, PA 16823, at a bid price of \$197.50 per ton. Funds are available in Account No. F8330.54416 (Water Purification – Chemicals).

December 15, 2015

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication of a Notice of Public  
Hearing of an Application to Waive the Off-Street Parking  
Requirements for Premises: 891B West Beech Street (street  
floor), Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to  
Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for  
waiver of off-street parking requirements for the premises located at 891B West Beech Street  
(street floor), Long Beach, New York (Section 59, Block 236, Lot 24) at the corner of Wyoming  
Avenue and Oregon Street, having frontage of less than 20 feet, on behalf of the owner Urban  
USA Real Estate Ltd., 235 Main Street, White Plains, New York 10601 to be used as a Retail  
Store/Gift Shop;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that a  
public hearing will be had before this Council upon said application at City Hall, 1 West Chester  
Street, in the City of Long Beach, New York, on January 5, 2016 at 7:00 p.m. on that date; and  
be it further

RESOLVED, that the City Clerk be and he hereby is authorized to cause a notice  
of said hearing to be published in the official newspaper of the City of Long Beach.

December 15, 2015

Item No. 8  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication of a Notice of Public  
Hearing of an Application to Waive the Off-Street Parking  
Requirements for Premises: 158A East Park Avenue (street  
floor), Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 158A East Park Avenue (street floor), Long Beach, New York (Section 59, Block 110, Lot 24) between Long Beach and Riverside Boulevards, having frontage of less than 20 feet, on behalf of the owner Benito Ferrante, 2700 Two Brothers Court, Oceanside, New York 11572 be used as a Kitchen and Bath Design Showroom;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that a public hearing will be had before this Council upon said application at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on January 5, 2016 at 7:00 p.m. on that date; and be it further

RESOLVED, that the City Clerk be and he hereby is authorized to cause a notice of said hearing to be published in the official newspaper of the City of Long Beach.

December 15, 2015

Item No. 9  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication of a Notice of Public  
Hearing of an Application to Waive the Off-Street Parking  
Requirements for Premises: 78 East Park Avenue (street floor),  
Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 78 East Park Avenue (street floor), Long Beach, New York (Section 59, Block 97, Lot 134) between Edwards and Riverside Boulevards, having frontage of less than 20 feet, on behalf of the owner Sand Partners c/o Topper, 150 East Olive Street, Long Beach , New York 11561 to be used as a Public Relations Agency;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that a public hearing will be had before this Council upon said application at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on January 5, 2016 at 7:00 p.m. on that date; and be it further

RESOLVED, that the City Clerk be and he hereby is authorized to cause a notice of said hearing to be published in the official newspaper of the City of Long Beach.